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PATENTS

Attorney Docket No. DYAX/002 CIP2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Robert C. Ladner et al.

Application No. : 10/045,674 Confirmation No.: 2458

Filed : October 25, 2001

For : NOVEL METHODS OF CONSTRUCTING LIBRARIES  
COMPRISING DISPLAYED AND/OR EXPRESSED  
MEMBERS OF A DIVERSE FAMILY OF PEPTIDES,  
POLYPEPTIDES OR PROTEINS AND THE NOVEL  
LIBRARIES

Group Art Unit : 1639

Examiner : Jon D. Epperson

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Mail Stop Sequence

New York, NY 10020  
February 24, 2004

RESPONSE TO NOTICE TO COMPLY: SEQUENCE RULES (BONAFIDE)

Sirs:

Responsive to the Notice to Comply: Sequence Rules (Bonafide) mailed September 24, 2003, applicant hereby submits the following:

1. A copy of the September 24, 2003 Notice to Comply;
2. A hard copy of the Sequence Listing (196 pages), and a diskette containing the Sequence Listing;

Notice to Comply dated September 24, 2003  
Response to Notice to Comply dated February 24, 2004

3. A Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825;

4. A Petition Under 37 C.F.R. § 1.136(a) for Extension of time (in duplicate);

5. A Preliminary Amendment in Response to the Notice to Comply; and

6. One check in the amount of \$740.00, for a four-month extension of time.

Please credit any overpayment or charge any underpayment in connection with this Response to Deposit Account No. 06-1075. A duplicate copy of this paper is enclosed.

Respectfully submitted,

  
\_\_\_\_\_  
James F. Haley, Jr. (Reg. No. 27,794)  
Bhavana Joneja (Reg. No. 47,689)  
Attorneys for Applicants

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Group Art Unit : 1639  
Examiner : Jon D. Epperson

**EXPRESS MAIL CERTIFICATION**

Express Mail Label No. EV270268443US

Date of Deposit: February 24, 2004

I hereby certify that this certification and the  
following papers and fees:

1. Response to Notice to Comply: Sequence Rules (Bonafide) (in duplicate);
2. A copy of the September 24, 2003 Notice to Comply;
3. A hard copy of the Sequence Listing (196 pages), and a diskette containing the Sequence Listing;
4. A Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§ 1.821-1.825;
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6. A Preliminary Amendment in Response to the Notice to Comply;
7. One check in the amount of \$740.00, for a four-month extension of time; and
8. Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Bhavani Soneja 2/24/04*  
*Bhavani Soneja*



## UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

9

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

## Notice To Comply: Sequence Rules (Bonafide)

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the following reason(s): For example, the sequences in Table 4 do not have sequence ID Nos. Please also re-check the entire specification for compliance. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

**APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR 1.821 - 1.825.** Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio

(<[Http://www.uspto.gov/ebc/efs/downloads/documents.htm](http://www.uspto.gov/ebc/efs/downloads/documents.htm)>, EFS Submission User Manual - ePAVE)

2. Mailed to:

U.S. Patent and Trademark Office

Box Sequence, P.O. Box 2327

Arlington, VA 22202

Any inquiry concerning this communication should be directed to Jon D. Epperson whose telephone number is (703) 308-2423. The Examiner can normally be reached on Monday through Friday from 9 am to 6 pm. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Wang, can be reached at (703) 306-3217. The fax number for this group is (703) 305-3014. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-0196.

Jon D. Epperson  
AU 1639

BENNETT CELSA  
PRIMARY EXAMINER

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: The Seq ID Nos. For the sequences in Table 4 are missing. Please re-check entire specification.

**Applicant Must Provide:**

- An initial or **substitute** computer readable form (CRF) copy of the "Sequence Listing".
- An initial or **substitute** paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**